

Rick L. Knuth (USB #3625)
R. L. KNUTH, PLLC
P.O. Box 526318
Salt Lake City, Utah 84152-6318
Special Master

Janelle E. Bauer (USB #8801)
Paul R. Smith (USB #14325)
JONES WALDO HOLBROOK & MCDONOUGH, P.C.
170 S. Main Street, Suite 1500
Salt Lake City, UT 84101
Attorneys for the Special Master

IN THE THIRD JUDICIAL DISTRICT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

In the Matter of the General
Determination of All the Rights to the Use
of Water, Both Surface and Underground,
Within the Drainage Area of the Utah
Lake and Jordan River in Utah, Salt Lake,
Davis, Summit, Wasatch, Sanpete and
Juab Counties in Utah

General Case File

**SPECIAL MASTER'S
TENTH STATUS REPORT
TO THE COURT**

Civil No. 360057298

Hon. Laura S. Scott

(Rick L. Knuth, Special Master)

RICK L. KNUTH, the duly-appointed and acting Special Master in this general determination of water rights, by and through his undersigned counsel, submits his Tenth Status Report to the Court:

1. The Special Master submits this Tenth Status Report to the Court (this "Status Report") in conjunction with the Status Conference scheduled before the Court on June 18, 2021.

2. A numeric and graphic summary of the Special Master's work, by subdivision, is attached to this Status Report as **Exhibit A**.

3. The Special Master issued his Ninth Status Report to the Court on December 9, 2020, for the period ending November 30, 2020. Between that date and May 31, 2021, the following has transpired in this case:

A. The Special Master's Actions Since His Last Status Report

1. Most of the restrictions imposed by the Court's Administrative Order for Court Operations During Pandemic, dated March 21, 2020, remain in place as of the date of this report. Since the inception of the pandemic, the Special Master has been conducting all of his proceedings via telephone or Webex video conferencing. The Covid-19 pandemic continues to slow progress in the case. However, circumstances have improved in the last several months. On June 4, 2021, Chief Justice Durrant issued an order allowing courts in the State of Utah to operate in the yellow phase of the Judiciary Risk Phase Response Plan beginning June 7, 2021, meaning courts will have discretion to expand the use of in-person hearings and trials. Thus the Special Master expects that the pace of work in the case will soon increase.

2. Since December 1, 2020, the Special Master has issued thirteen (13) Reports and Recommendations to the District Judge for the dismissal or disposition by settlement of Objection Proceedings. *See Exhibit A.*¹

¹ Exhibit A provides data representing the Special Master's work from the date of his appointment (June 28, 2016) through May 31, 2021—in other words, they are cumulative. The figures provided for the Special Master's progress since his Ninth Status Report were calculated by comparing the cumulative figures from Exhibit A to those provided in the Ninth Status Report.

3. From December 1, 2020, the Special Master has logged approximately 91.8 hours on the case, and his counsel, Jones Waldo Holbrook & McDonough, has logged approximately 10.1 hours.

4. From December 1, 2020 to May 31, 2021, the Special Master and his counsel have requested and received the Court's approval for \$18,859.00 for fees and costs related to the case.

B. Material Developments in the Case

5. From the date of the Special Master's appointment to May 31, 2021, he has filed 214 Reports and Recommendations, and 214 Objection Proceedings have been finally resolved—either through orders of dismissal, orders incorporating stipulations, voluntary withdrawals of Objections, or voluntary withdrawals of all Notices of Intent to Proceed in an Objection Proceeding. *See Exhibit A.*

6. All Objections have now been finally resolved in the following subdivisions:

- Spanish Fork Subdivision, Book 1 (51-1);
- Spanish Fork Subdivision, Book 2 (51-2);
- Palmyra-Lakeshore Subdivision (51-3);
- Birdseye Subdivision (51-5);
- Cedar Valley Subdivision (54-1);
- Round Valley Subdivision (55-1);
- Pleasant Grove Subdivision (55-8);
- Nibley Park Subdivision (57-5);
- Dry Creek Subdivision (57-10);

- Foothill Village Subdivision (57-13);
- Salt Lake County Northwest (59-1);
- Salt Lake County Central Subdivision (59-2);
- Salt Lake County West Subdivision (59-3);²
- Salt Lake County Supplement (59-5);
- Lehi Subdivision [LUR] (55-4);
- Provo City North Subdivision [LUR] (55-7);
- Provo Canyon Subdivision [LUR] (55-9);
- West Mill Creek Subdivision [LUR] (57-6);
- Rose Park Subdivision [LUR] (57-8);
- Liberty Park Subdivision [LUR] (57-11);
- Oakland Place Subdivision [LUR] (57-12);
- Foothill Village Subdivision [LUR] (57-13);
- Parleys Creek Subdivision [LUR] (57-14);
- Holladay Subdivision [LUR] (57-16);
- West Big Cottonwood Creek Subdivision [LUR] (57-17);
- Big Cottonwood Creek Subdivision [LUR] (57-18);

² In previous reports, including his Ninth Status Report to Court, the Special Master listed the Salt Lake County Southwest Subdivision (59-4) as one of the subdivisions in which all objections have been fully and finally resolved. However, on December 8, 2020, the United States Army National Guard and the Utah National Guard filed objections in the Salt Lake County Southwest Subdivision. While these objections facially appear to be untimely, the State Engineer assigned them objections numbers: 59-4-10 and 59-4-11. Accordingly, until these newly-filed objections are disposed of, the Salt Lake County Southwest Subdivision cannot properly be included in the list of completed subdivisions.

- West Murray Subdivision [LUR] (57-19);
- East Murray Subdivision [LUR] (57-20);
- Sandy/Midvale Subdivision [LUR] (57-21);
- Fort Union Subdivision [LUR] (57-22);
- Little Cottonwood Creek Subdivision [LUR] (57-23);
- Willow Creek Subdivision [LUR] (57-25); and
- Draper Subdivision [LUR] (57-26).

7. Since the Ninth Status Report, the State Engineer has issued her Proposed Determinations for the Red Butte Creek (57-3), Mill Creek (57-15), and West Murray (57-19) subdivisions. Proposed Determinations in the Parleys Creek (57-14) and Liberty Park (57-11) subdivisions are expected to be ready for issuance in the coming months.

8. All of the Objections that pre-date the Special Master's appointment have been disposed of, with the exception of those in the following subdivisions: Hobble Creek (51-4), Goshen Valley (53-1), and Emigration Creek (57-1). Only a single objection now remains pending in the Goshen Valley Subdivision. The objections remaining in the Hobble Creek Subdivision are proceeding to resolution, summary judgment motions are pending in the Group 2 objections, and trial dates in 2021 have been reserved.

RESPECTFULLY SUBMITTED this 4th day of June, 2021.

JONES WALDO HOLBROOK & McDONOUGH, PC

/s/ Paul R. Smith
Paul R. Smith, on behalf of R. L. Knuth,
Special Master

CERTIFICATE OF SERVICE

I certify that on the 4th day of June, 2021, I caused a true and correct copy of the foregoing SPECIAL MASTER'S TENTH STATUS REPORT TO COURT to be served on the same date, via electronic filing notification, on all parties requesting such notification in the above-captioned case.

/s/ Paul R. Smith _____

EXHIBIT A

**General Adjudication of Water Rights for the Utah Lake and Jordan River Drainage
Status Report for December 1, 2020 to May 31, 2021**

Subdivision	Objections	R&Rs	Final Dispositions
Spanish Fork Subdivision (51-1), Civil No. 365729801	13	13	13
Spanish Fork Subdivision (51-2), Civil No. 365729802	17	17	17
Palmyra-Lakeshore Subdivision (51-3), Civil No. 365729803	1	1	1
Hobble Creek Subdivision (51-4), Civil No. 365729804	38	21	19
Birsdye Subdivision (51-5), Civil No. 365729818	3	3	3
Goshen Valley Subdivision (53-1), Civil No. 365729806	4	3	3
Cedar Valley Subdivision (54-1), Civil No. 365729807	18	17	18
Round Valley Subdivision (55-1), Civil No. 365729808	4	4	4
Pleasant Grove Subdivision (55-8), Civil No. 365729811	6	6	7
Emigration Creek Subdivision (57-1), Civil No. 3657298012	1	0	0
Red Butte Creek Subdivision (57-3), Civil No. 365729823	2	0	0
Nibley Park Subdivision (57-5), Civil No. 365729820	4	4	4
Rose Park Subdivision (57-8), Civil No. 365729825	2	2	2
City Creek Subdivision (57-9), Civil No. 365729826	2	1	1
Dry Creek Subdivision (57-10), Civil No. 365729827	1	1	1
Oakland Place Subdivision (57-12), Civil No. 365729829	2	1	1
Foothill Village Subdivision (57-13), Civil No. 365729830	1	1	1
West Muray Subdivision (57-19), Civil No. 365729836	1	1	1
SLC Northwest Subdivision (59-1), Civil No. 365729813	6	5	6
SLC Central Subdivision (59-2), Civil No. 365729814	13	13	13
SLC West Subdivision (59-3), Civil No. 365729815	9	9	9
SLC Southwest Subdivision (59-4), Civil No. 365729816	11	9	9
SLC Supplement Subdivision (59-5), Civil No. 365729817	17	17	17
Lehi Subdivision [LUR] (55-4), Civil No. 365729844	6	6	6
American Fork South Subdivision [LUR] (55-5), Civil No. 365729845	9	8	8
Provo City South Subdivision [LUR] (55-6), Civil No. 365729846	7	6	6
Provo City North Subdivision [LUR] (55-7), Civil No. 365729847	1	1	1
Provo Canyon Subdivision [LUR] (55-9), Civil No. 365729848	3	3	3
Midway Subdivision [LUR] (55-10), Civil No. 365729849	19	1	0
West Mill Creek Subdivision [LUR] (57-6), Civil No. 365729821	3	3	3
Rose Park Subdivision [LUR] (57-8), Civil No. 365729825	1	1	1
Liberty Park Subdivision [LUR] (57-11), Civ. No. 365729828	1	1	1

**General Adjudication of Water Rights for the Utah Lake and Jordan River Drainage
Status Report for December 1, 2020 to May 31, 2021**

Oakland Place Subdivision [LUR] (57-12), Civ. No. 365729829	2	2	2
Foothill Village Subdivision [LUR] (57-13), Civil No. 365729830	1	1	1
Parleys Creek Subdivision [LUR] (57-14), 365729831	3	3	3
Holladay Subdivision [LUR] (57-16), 365729833	2	2	2
West Big Cottonwood Creek Subdivision [LUR] (57-17), 365729834	8	8	8
Big Cottonwood Creek Subdivision [LUR] (57-18), Civil No. 365729835	3	3	3
West Murray Subdivision [LUR] (57-19), Civil No. 365729836	1	1	1
East Murray Subdivision [LUR] (57-20), Civil No. 365729837	4	4	4
Sandy/Midvale Subdivision [LUR] (57-21), Civil No. 365729838	1	1	1
Fort Union Subdivision [LUR] (57-22), Civil No. 365729839	3	3	3
Little Cottonwood Creek Subdivision [LUR] (57-23), Civil No. 365729840	1	1	1
Willow Creek Subdivision [LUR] (57-25), Civil No. 365729842	5	5	5
Draper Subdivision [LUR] (57-26), Civil No. 365729843	1	1	1
Totals	261	214	214

Key	
LUR	Objections to List of Unclaimed Rights
R&Rs	Reports and Recommendations
Final dispositions	Final resolutions, including orders of dismissal, orders entering a stipulation, voluntary withdrawals of Objection, or voluntary withdrawals of all Notices of Intent in an Objection Proceeding